

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT O. BRAY,

Plaintiff,

v.

THURSTON COUNTY CORRECTIONAL
FACILITY,

Defendant.

Case No. C07-5368RBL-KLS

ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings plaintiff must pay a filing fee of \$350.00 or file a proper application to proceed *in forma pauperis*.

On July 18, 2007, the Clerk received plaintiff's complaint and application to proceed *in forma pauperis*. (Dkt. #1). At the time plaintiff filed his complaint and application, he remained in the custody of the Thurston County Correctional Facility. On August 8, 2007, however, plaintiff informed the Court that he was no longer in custody at that facility, and indeed he no longer appears to be incarcerated. See

1 (Dkt. #3).

2 Because plaintiff is no longer incarcerated, different considerations come into play in determining
3 whether he is entitled to *in forma pauperis* status. For example, it is not clear how plaintiff is supporting
4 himself now that he is out of jail. That is, plaintiff has not informed the Court as to whether he currently
5 is employed or is receiving financial support from other sources. Indeed, on the application plaintiff did
6 file with the Court, plaintiff did not include the second page which includes questions regarding financial
7 resources, if any, received from other sources or currently in the inmate's possession.

8 Accordingly, the Court orders the following:

- 9 (1) Plaintiff shall seek to cure the above deficiency by filing **no later than October 6, 2007**, a
10 fully complete and signed copy of the appropriate *in forma pauperis* application that is
11 used by the Court for non-prisoner *pro se* plaintiffs.

12 **Failure to cure this deficiency by the above date shall be deemed a failure to properly**
13 **prosecute this matter and the Court will recommend dismissal of this matter.**

- 14 (2) The Clerk is directed to send a copy of this Order to plaintiff, along with the appropriate
15 application to proceed *in forma pauperis* form.

16 DATED this 6th day of September, 2007.

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20 Karen L. Strombom
21 United States Magistrate Judge
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